(3) Chhattisgarh

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

Writ Petition No. 3052/2003

PETITIONER : Rvindra Chandel S/o Rampal Chandel, aged about 55 years, resident of Ram Saptah Chowk, Shankar Ward, Bhatapara, Distt. Raipur (C.G.).

P. R. No. 22.12.03
Presented by Shri H.V. Sharma.
dated 16.12.03

- Versus -

RESPONDENTS : 1. State of Chhattisgarh
Through : Home Secretary,
D.K.S. Bhawan Raipur Distt Raipur
2. Superintendent of Police, Raipur.
Distt Raipur.
3. J. Nagesh, S.H.O. Bhatapara (Urban)
Distt Raipur.
4. Krishna Kumar, aged 38 years S/o Arjun Lal Verma, Mandi Road, Bhatapara, Distt. Raipur (C.G.).
5. Smt. Gayatri Adil, aged 55 years, W/o Jitendra Adil, resident of Behind Jeevan Lal Hospital, Bhatapara, Distt. Raipur (C.G.).

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16.12.
CLERK TO A.G. BILASPUR

PETITION UNDER ARTICLE 226 OF CONSTITUTION OF INDIA

XI-HC-22

(20)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P. NO. 3052/2003 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

01/11/2003

Shri H.V. Sharma, counsel for the petitioner.

Shri Praveen Das, PL for the State.

Heard.

Petitioner has preferred this writ petition under Article 226 of the Constitution of India in which the main grievance of the petitioner is that the petitioner is an elected Sarpanch of village Gram Panchayat Kukura Chunda.

Respondent nho.5 contested an election for the post of Director, Mandi Bhatapara, but she could not succeed in the election, therefore, she started blaming the petitioner and the respondent no.4 started threatening the petitioner to implicate the petitioner in Criminal case with the help of the respondent no.5. Respondents no. 4 and 5 continued to threat the petitioner. He made a written complaint before S.H.O. Bhatapara on 30/06/2002, but no action was taken against the respondents no. 4 and 5. Respondents no. 4 and 5 sent several threatening letters to the petitioner. At behest of respondent no.4, on 23/08/2003 at about 7.00 p.m., the respondent no.3 took the petitioner to Police Station and threatened to implicate him in criminal case. Respondents no. 3 and 4 forced the petitioner to execute cheques of Rs.70,000/- on

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(21)

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

different dates and respondents no. 3 and 4 forced the petitioner to sign on Ikrarnama as per Annexure P/5 regarding the payment of the same and the said cheques were given to the respondent no.4 who acknowledged the receipt of cheques in favour of respondent no.5.

It is submitted by counsel for the petitioner that the petitioner moved complaints to Chief Minister, the Secretary Home, S.D.O. (P), Bhatapara, Collector, Raipur. Superintendent of Police respondent no.2 is bound to direct the register the crime in connection with alleged complaint regarding cognizable offences.

I have heard learned counsel for the petitioner and the learned counsel for the State.

Having heard the learned counsel for the petitioner, I am of the opinion that there is a provision in the Criminal Procedure Code under Section 156(3) which lays down that any Magistrate empowered under Section 190 may order such an investigation as above mentioned. Therefore, in view of this provision, the petitioner can file complaint before the Magistrate concerned for sending his complaint to Police for registering the case and to investigate into offence as per provisions of Section 156(3) of the Cr.P.C. Therefore,

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आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	as an alternative remedy is available to the petitioner, I do not find any substance in this petition. The same is dismissed. Sd/- L.C.BHADOO Judge	